Pr

GRS IX-5]

*Previous references.* 1923. ( Mysore ) **File No.** 201 – 23

**Serial Nos.** 1 – 2

*Later references.*

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos.* 2

**Part B for** August 1924

SUBJECT

Enquires whether the deed of gift executed by the late Krishna Setty of Mysore in respect of a choultry endowed for the benefit of Sri Dakshinamurthy Shrine located at Gauthepet, Mysore may be accepted. —.

DC 305 dated 27 8 1924 To the Mysg Com

The building may be taken over under Govt control and management for the temple

GENERAL AND REVENUE SECRETARIAT.

( Mug 3 )

NOTES.

File No. 207

FILE HEADING.

[illegible]

From

[illegible]

No. 7032 S. Dated 2 · 1 · [illegible] Received

| diary No. 926 | Enclos.- | Spare Copies | Serial No. / |
|---|---|---|---|

BRIEF ABSTRACT OF LETTER.

Requests sanction to a gift exceeding Rs. 5000 to be accepted from the Rajah of Venkatagiri if not already done.

NOTES AND ORDERS.

The Dy: Comr's letter contains the facts of the case in full and the Mug. Comr. will pass orders on the points raised therein.

2 The only point on which the M.C seeks the orders of Govt is whether the deed of gift executed

Serial No

on a plain paper may be accepted or if not what further action is necessary. The donor is reported to be dead. His minor son by guardian Lakshmidevamma has requested that the deed, as it is may be accepted.

~~If so~~ The letter of the Muz Comr is addressed to the Secretary in the Local and Legislative Depts. If approved, the papers may be referred to the Depts for opinion.

SD 13/2/24

4) Pleas pulup Stamp Regn.

16/2/24

5) A copy of the Stamp Regn is put up.

SD 18/2 18/2/24

6) The document in question does not seem to be exempt from duty, as it is a transfer of immovable property, it seems to be also compulsorily registrable. ~~If~~ A stamped registered deed may perhaps be obtained from the heir of Krishna Setty, to safeguard the interest of the Govt. If Govt does may perhaps we can [illegible] (Fee. Govt)

7) Y. Ramappa

NOTE—Contn sheet

G. R. S. III·2]

Muzrai Secretariat | Muz. File No. 201 of 1923.

Serial No.

8) Subsb Local Legve Secy

9) The document in question recites that the shop was delivered to the goa and that the donor moved continue to manage for his life and that after his death the goa may manage.

10) This amounts to gift of immoveable property of the nature of Lease or a settlement as defined in the Stamps Regulation and is liable to pay stamp duty. It cannot be construed as a Lease under the Stamps Regn since a Lease is an instrument which is not Sale Deed (No Proviso to Sec 3 does not apply). provided for. The document therefore requires stamp duty & should not be registered. But it cannot be returned as it is more than [illegible] the document was received.

11) A deed may be taken from the

NOTE—Contn. sheet

WD 0561 - GPB—3750—1 8 22

General and Revenue Secretariat. | Mys. File No. 201 of 1913.

| Serial No. | |
|---|---|
| | heirs of Krishna Setty. |
| | (2) But though the deed recites that possession was delivered on the date of the deed viz 2.2.1920, it would be seen from the records that the land on which the shop was built was govt land, that Krishna Setty sought permission to use the land of the govt to build the shop on it for the purpose of endowing it to the temple on 3.12.1913 |
| Ex A) | |
| Ex B) | the day court granted the permission on 16.1.1914. On 10.11.1915 Krishna Setty made a statement before Amildar that he placed the govt in possession of the shop. On the same day the Amildar put up the shop for auction to lease. So it is clear that from the shop was built on govt land and the object of the building was to endowit to govt. the shop was placed in possession of govt accordingly. Though the document containing the statement of delivery of possession and also the gift deed recite of the evidence of the transactions of — gift, still they may be used to show in what manner the govt came to get |
| Ex C) | |
| Ex E | |
| | possession of that land and can assist a Court |

NOTE—Contn. sheet.

Serial No.

brought against post.

13) ~~His~~ Such a case is one reported in 43 Madras 244 (P.C.) Wherein it was said that though the petitioners may not be entitled to prove his title, they may be referred to prove the nature & character of possession.

14) Since the Transfer Property Regulation was not in force when ~~the~~ Krishna Setty took the possession of post & until the shop, the 12 & 7 V. Cotton is not applicable & an adverse was possible then.

15) It is nearly 9 years since Krishna Setty placed the post in possn, & this years more would complete the 30 years title.

16) The post can therefore successfully maintain their possession as decree, especially as the heir of Krishna Setty can prove it by a pet

to Reg - £ 8

17) In order that the title may be complete, a new deed of gift may be taken from the heirs of Krishna Setty. It would be better to get the recitals regarding the past transactions recited in the deed. The following may be inserted that the land belongs to Govt. & permission was given to build an open shop consisting of the shop being entered.

NOTE—Contn. sheet.

G R. S. III-2]

General and Revenue Secretariat.

Mug File No. 201 of 1923.

Serial No

That portion of the shop was delivered to Govt. The gift came into effect. The heirs have confirmed the gift &c. The draft may perhaps be got from the Municipal Secretary on the above,

Revise with Compts

8/8
9/8

18) M C will be informed accordingly

Reply

SM
8/8

346/168

Municipal

19) I do not see how we can for a deed? If at all in the case the building was allowed to be constructed within the temple premises it must be taken to be within the temple or the understanding of the Municipal authorities & the Municipal Secretary should see how for allowing shops in the temple.

20) No one can possibly claim his ownership of the building or any of the temple, and if at all any claimant comes forward, he can only claim to take away the material of the building — which is very little.

21) In the circumstances, I think we do not deed a fifth sheet &c, if that the building may be taken over under Govt control & management for the temple

NOTE—Contn sheet

G. R. S. III-2]

WD 2310—GPE—10,000—31 5 24

General and Revenue Secretariat

Mysg File No. 201 of 1923.

Serial No.

22) It should be clearly stated in the order as to whether the expenditure on the several arrangements for the proper decoration of the Kurumasetty should be strictly limited to the actual receipts from the rental of the building, & that no such expenditure should be incurred in advance of the receipt of the rental or should be debited to the general receipts of the temple. from other sources.

The payment of the amt. I assume for seven days in connection with the Dasara is to be met out of the rental of the building & not from other sources.

(The matter has been a delay of about 6 months mainly due to this case — which is fairly obvious facts)

Rec'd 18 SEP

23) Draft Sub'd 24/8 21-8-24

24) Issue 22 SEP.

2 To the Manager Comm. No. 305 & 2 & 3 & 5

states that as the building was altered & constructed on Temple land out of gifts & money, that the money & property taken were under the control & orders of the Temple

NOTE—Contn. sheet

G. R. S. III·2]

Muzrai Secretariat

Muz. File No. 2 1 of 1923.

| Serial No. | |
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| | Yenad [illegible] |
| | [illegible] |

NOTE—Contn. sheet

WD 0561 - GPB—3750—1 8 22

No. C 733 9-25-4 Office of the Muzrai Commissioner in Mysore.
one file

Dated Bangalore, 26th January 1924.

From

K. Chandy, Esquire., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

926
Muz-201-23-1.

To

P. Nagappa, Esquire., Par-at-Law.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Local and Legislative Departments.
Bangalore.

Sir,

I have the honor to forward in original letter Ref.C.No. 314/23-24 dated 18th January 1924 together with its enclosures -- from the Deputy Commissioner, Mysore District, regarding the --- endowment of a shop by one Krishna Setty of Mysore (now deceased) for the benefit of Sri Dakshinamurti shrine within the precincts of the Sri Prasanna Nanjundeswara Swami temple Santhepet, Mysore and to request you to be so good as to let me know whether the - deed-of gift executed by the late Donor on a plain paper may be accepted and further action taken in the matter and if not what further steps are necessary.

2. The favour of an early reply is requested.

I have the honor to be,
Sir,
Your most obedient servant,

for Muzrai Commissioner.

KSR.

37533

320 of 24

No.C.733/23-24 Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 4th June 1924.

From

K. Chandy, Esquire., P.A.,

Muzrai Commissioner in Mysore,

Bangalore.

6 JUN 1924

To

B. Nagappa, Esquire., Bar-at-Law.,

Secretary to Government of His

Highness the Maharaja of Mysore,

Local and Legislative Departments.

6-JUN 924 MUZRAI D-2300

Sir,

In submitting herewith copy of letter Ref.C.No.314/23-24 -- dated 26th May 1924 from the Deputy Commissioner, Mysore District, regarding the endowment of a shop built by one Krishna Setty for - the benefit of the Sri Prasanna Kamiundeswaraswami temple, Santhepet Mysore, I have the honor to state that the Deputy Commissioner's ---- original letter referred to therein was sent to you with my letter No.C.733/23-24 dated 28th January 1924 for an expression of your -- views about the suitability of the Deed-of-gift executed by the -- Donor and that orders of Government have not yet been communicated to me. I request that a reply may be vouchsafed to me early.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

KSR.

The previous reply D.No. 926 Muz: 201-23 referred was sent to the Judicial Branch on 22-Feb-24. This may also be sent there

6/6/24

In favour of Expedition

Proj Branch 9.6.24

put up reference 21/7/24

Sent to the Asst Secretary 1/8/24 23.6.24

Letter No.C.314/23-24 dated 26th May 1924 from the Deputy Commissioner Mysore District to the Muzrai Commissioner in Mysore.

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"I have the honor to invite kind reference to this office letter No.C.314/23-24 dated 18th January 1924 submitting for sanction proposals re: the acceptance of the endowment of a shop built by one Krishnashetty for the performance of certain sevas in Sri Prasanna Manjundeswara Swami temple, Santhepet, Mysore, and a refund bill for Rs.96-6-5 being the --- amount spent by the donor for sevas conducted by him at his cost etc.

I request that early sanction may kindly be accorded to the proposals and to the refund bill referred to above.

Report No.C.R.132/22-23 dated 15-5-24 received from the Amildar Mysore taluk, is enclosed."

"Copy"

For Muzrai Commissioner. 5/6/24

DE 305 — dt 27.8.24
Mzg. 201—24. L.
Encl one file
Bangalore 9-8-24

To

The Muzrai Commissioner in Mysore,

Bangalore.

Sir,

With reference to your letter No. C. 733 of 1923-24 dated the 26th January 1924 enquiring whether the deed of gift on a plain paper, executed by the late Krishna Setty of Mysore, in respect of a shop endowed for the benefit of Sri Dakshina-murti shrine located within the precincts of the Sri Prasanna Nanjundeswaraswami temple at Santnepet, Mysore, may be accepted I am directed to state that ~~there is need for a deed of gift at all in this case.~~

The building, ~~shop,~~ was allowed to be constructed within the temple premises on the land belonging to the temple on the understanding, subject to the condition that the rental realised therefrom should be used for certain sevas in the temple. No one can possibly claim ownership of the building as against the temple, and that if at all any claimant comes forward, he can only claim to take away the materials of the building. ~~which is very unlikely.~~

2. ~~In~~ these circumstances, Government consider ~~think~~ that no further deed of gift need be obtained and that the building may be taken over under Government control and management for and on behalf of the temple

It should be clearly and distinctly understood that the expenditure on special sevas etc., as required by the deceased Krishna Setty should be strictly limited to the actual receipts from the rental of the building and that no such expenditure should be incurred in advance in anticipation of the recovery of the rental or should be debited to the receipt of the temple from other sources. The payment of the amount of arrears for Sevas done in previous years may be sanctioned, if there is sufficient amount recovered from the rental of the building to meet it.

I have etc.,

22 8.

For Revenue Secretary to Govt.

21.8.24